

IN THE UNITED STATES DISTRICT COURT
 FOR THE DISTRICT OF SOUTH CAROLINA
 GREENVILLE DIVISION

Michael Alonza Rufus, # 482019,)	C.A. No. 6:11-1105-TLW-KFM
f/k/a Michael Alonza Rufus, # 99284-071,)	
)	
Plaintiff,)	
)	
-versus-)	ORDER
)	
Walton County Detention Center;)	
Wade Harris,)	
)	
Defendants.)	
)	

This matter is now before the undersigned for review of the Report and Recommendation (“the Report”) filed by United States Magistrate Judge Kevin F. McDonald, to whom this case had previously been assigned pursuant to 28 U.S.C. § 636(b) and Local Rule 73.02(B)(2) (D.S.C.). In his Report, Magistrate Judge McDonald recommends that the above-captioned case be transferred to the Athens Division of the United States District Court for the Middle District of Georgia. (Doc. # 10). In the time period for filing objections, the plaintiff filed a document entitled “motion to dismiss.” (Doc. # 12).

In conducting this review, the Court applies the following standard:

The magistrate judge makes only a recommendation to the Court, to which any party may file written objections. . . . The Court is not bound by the recommendation of the magistrate judge but, instead, retains responsibility for the final determination. The Court is required to make a de novo determination of those portions of the report or specified findings or recommendation as to which an objection is made. However, the Court is not required to review, under a de novo or any other standard, the factual or legal conclusions of the magistrate judge as to those portions of the Report and Recommendation to which no objections are addressed. While the level of scrutiny entailed by the Court's review of the Report thus depends on whether or not

objections have been filed, in either case, the Court is free, after review, to accept, reject, or modify any of the magistrate judge's findings or recommendations.

Wallace v. Housing Auth. of the City of Columbia, 791 F.Supp. 137, 138 (D.S.C. 1992) (citations omitted).

In light of this standard, the Court has reviewed, de novo, the Report and the objections thereto. The Court accepts the Report.

THEREFORE, IT IS HEREBY ORDERED that the Magistrate Judge's Report is **ACCEPTED** (Doc. # 10) and the above-captioned case is **TRANSFERRED** to the Athens Division of the United States District Court for the Middle District of Georgia. This Court finds it appropriate to allow the transferee court to address plaintiff's pending "motion to dismiss." (Doc. # 12).

IT IS SO ORDERED.

s/ Terry L. Wooten
TERRY L. WOOTEN
UNITED STATES DISTRICT JUDGE

July 11, 2011
Florence, South Carolina